

**SUMMONS  
(CITACION JUDICIAL)**

**REFERRED TO CITY ATTORNEY  
FOR DISPOSITION**

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

OCT -3 2019

CITY ATTORNEY

OCT 02 2019

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

THE CITY OF LOS ANGELES, a charter city and municipal corporation; the LOS ANGELES DEPARTMENT OF CITY PLANNING, an advisory agency of the City of Los Angeles, Respondents

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

La Brea Willoughby Coalition, a California nonprofit Public Benefit Corporation, Petitioner

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate those nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Los Angeles Superior Court, Stanley Mosk Courthouse - 111 N. Hill Street, Los Angeles, CA, 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Venskus & Associates, A.P.C. 1055 Wilshire Blvd., Ste 1896, Los Angeles, CA 90017, Telephone: (213) 482-4200

DATE:

(Fecha) 09/20/2019

Sherri R. Carter Executive Officer / Clerk of Court Clerk, by

(Secretario)

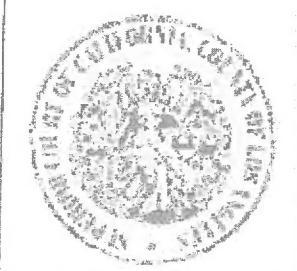
Nancy Alvarez

, Deputy  
(Adjunto)

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(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

ISLAJ



**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify): THE CITY OF LOS ANGELES, a charter city and municipal corporation  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify): CCP 416.50 Public Entity
4.  by personal delivery on (date) 10-2-19

CCP 416.60 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.90 (authorized person)

**SUMMONS**

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1 Sabrina D. Venskus (SBN 219153)  
2 Jason R. Sanders (SBN 257362)  
3 VENSKUS & ASSOCIATES, A.P.C.  
4 1055 Wilshire Boulevard, Suite 1996  
5 Los Angeles, California 90017  
Telephone: (213) 482-4200  
venskus@lawsv.com  
jsanders@lawsv.com

6 Attorneys for Petitioner, La Brea Willoughby Coalition

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LA BREA WILLOUGHBY COALITION, a California nonprofit Public Benefit Corporation; Petitioner,  
vs.  
THE CITY OF LOS ANGELES, a charter city and municipal corporation; the LOS ANGELES DEPARTMENT OF CITY PLANNING, an advisory agency of the City of Los Angeles; Respondents.

) CASE NO.: 1987 CP 04 083  
)  
) VERIFIED PETITION FOR WRIT OF  
) MANDATE AND COMPLAINT FOR  
) DECLARATORY RELIEF  
)  
) (California Public Records Act §§ 6250 et seq.)  
)  
)  
)  
)  
)  
)  
)

## INTRODUCTION

1. This Petition for Writ of Mandate is brought by Petitioner, La Brea Willoughby Coalition (“Petitioner”), to compel the City of Los Angeles and its Department of City Planning (collectively “Respondent”), to comply with its duty to disclose public records under the California Public Records Act (Government Code §§ 6250 et seq.).

2. Petitioner requested that Respondent provide it with public records relating to when, how, why and through whom certain neighborhood areas in the Wilshire District of Los Angeles were selected for upzoning, as part of the City of Los Angeles' Metro Purple Line Heavy Rail Subway expansion.

3. Respondent is breaching its mandatory duty to comply with the Public Records Act, by improperly withholding records responsive to Petitioner's request under the "catch-all" exemption located in Government Code ("Gov. Code") § 6255(a). Respondent is withholding responsive records on the grounds that the records are "drafts" and their disclosure would create a real risk of the public being misinformed as to the components of the City's plan to upzone certain areas as part of the Purple Line expansion. However, Respondent has actively solicited public comment on this plan and has already disseminated drafts of strategic materials relating to the plan to the public.

4. This matter involves issues of substantial public interest. Under the California Public Records Act, the public has the right to access this information upon request. This information can then be used to provide public comment supporting the preservation of zoning laws during the City of Los Angeles' environmental review of a plan that will result in the upzoning of several neighborhood areas in the Wilshire District.

## PARTIES

5. Petitioner, La Brea Willoughby Coalition, incorporated as a California nonprofit Public Benefit Corporation, is a neighborhood association that represents homeowners, renters, and businesses in the La Brea–Willoughby neighborhood of Hollywood. It has been and continues to be involved in protecting the quality of life of its members and preserving the City's zoning laws, as well as the character and scale of the neighborhoods that it represents. La Brea

1 Willoughby Coalition is a member of the public under the Public Records Act.

2 6. Respondent, City of Los Angeles is a charter city and a municipal corporation  
3 within the State of California.

4 7. Respondent, Department of City Planning, is an agency of the City of Los  
5 Angeles and a local and public agency under the California Public Records Act.

6 **JURISDICTION AND VENUE**

7 8. Jurisdiction is proper in this court. Petitioner's claim arises under California  
8 state laws and the acts or omissions complained of herein occurred in the County of Los  
9 Angeles. This court has subject-matter jurisdiction over this case, pursuant to Gov. Code §  
10 6259(a), because the records being sought are situated within Los Angeles County.

11 9. This case is properly classified as unlimited civil and is therefore, within the  
12 jurisdiction of this court because it is not one of the types of cases listed as a limited civil case in  
13 Civil Code §§ 85 or 86.

14 10. This court has personal jurisdiction over Respondent because Respondent is a  
15 local government agent of California.

16 11. Venue is proper in this court under Code of Civil Procedure § 394, because this  
17 is an action against the City of Los Angeles, and such actions may be tried in the county where  
18 the city is located. In addition, Gov. Code § 6259 allows venue in the Superior Court of the  
19 County where the records sought, or some part thereof, are situated.

20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 12. No administrative remedies are available to Petitioner. There is no right to an  
22 administrative appeal under the California Public Records Act. (Gov. Code §§ 6250 et seq.)  
23 Thus, Petitioner has no adequate remedy at law, unless the Court grants the relief requested  
24 herein.

25 **STATEMENT OF FACTS**

26 **A. The Comprehensive Zoning Plan of the City of Los Angeles**

27 13. The Comprehensive Zoning Plan for the City of Los Angeles, located in  
28 Article 2 of the Los Angeles Municipal Code ("LAMC") §§ 12.00 et seq., is intended to

1        “[r]egulate and restrict the location and use of buildings, structures and land...”; “[r]egulate and  
2        limit the...size of buildings and other structures...”; and “[l]imit the density of population; and  
3        for said purposes to divide the City into zones of such number, shape and area as may be deemed  
4        best suited to carry out these regulations and provide for their enforcement.” (LAMC §  
5        12.02.) (Emphasis added.)

6        14.        “[S]uch regulations are deemed necessary in order to encourage the most  
7        appropriate use of land;...to prevent undue concentration of population...and to promote  
8        health, safety, and the general welfare all in accordance with the comprehensive plan.”  
9        (LAMC § 12.02 [emphasis added].)

10        B. The Metro Purple Line Heavy Rail Subway Transit Neighborhood Plan

11        15.        In the middle of 2012, The City of Los Angeles approved a project to extend  
12        the Metro Purple Line Heavy Rail Subway (“Purple Line”) from the current terminus at  
13        Wilshire/Western into the Westwood area of Los Angeles. The project will result in the  
14        construction of seven new stations along Wilshire Boulevard. The City seeks to increase the  
15        number of residents living in close proximity to these planned stations. To incentivize the  
16        development of affordable housing located near major transit stops, Measure JJJ was passed by  
17        Los Angeles voters in September 2016.

18        16.        Based on the approval of Measure JJJ, the City established the Transit Oriented  
19        Communities Affordable Housing Incentive Program (“TOC” or “TOC Program”). The TOC  
20        Program has been codified in Los Angeles Municipal Code (“LAMC”) § 12.22.A.31 and  
21        provides that certain affordable housing developments are eligible for general plan amendments  
22        and zoning changes (i.e. incentives) (*Ibid.*) These incentives consist of increased density and  
23        reduced minimum square feet per dwelling unit, reduced floor area ratio and reduced parking for  
24        the development of certain affordable housing projects within “Affordable Housing Incentive  
25        Areas” or areas located near (within one-half mile) of a major transit stop, as that term is defined  
26        by Public Resources Code § 21155(b). (LAMC § 12.22.A.31(b)(2).)

27        17.        In relation to the Purple Line, the City seeks to apply the TOC program to  
28        development around three of the planned extension stations: the Wilshire/La Brea Station; the

1 Wilshire/Fairfax Station; and the Wilshire/La Cienega Station. To this end, the City has selected  
2 certain neighborhoods around these stations that will be subject to less restrictive zoning and  
3 land-use regulation than ordinarily required. The City is in the process of reviewing and  
4 approving the regulatory changes that will allow select parcels within these neighborhood areas  
5 to be “upzoned”. The tool through which the City will implement these changes is the Purple  
6 Line Transit Neighborhood Plan (“TNP”).

7       18.       The TNP has not been approved by the City of Los Angeles and is currently  
8 undergoing environmental review as required by the California Environmental Quality Act, a  
9 state law. As part of and to improve its TNP environmental review process, Respondent has  
10 conducted public workshops, open houses, public surveys and generally solicited public  
11 comment. At least 24 outreach and public engagement events have been organized and  
12 conducted as part of the TNP environmental review process.

13       19.       As part of its TNP environmental review process, Respondent has also  
14 disseminated city materials to the public. The materials contained Respondent’s strategies for  
15 implementing the TNP and included, but are not limited to: Initial Concept Maps, Corridor  
16 Vision Maps, maps of overlays and recent planning efforts and TOC maps – all disseminated to  
17 the public before the TNP has received final approval. These preliminary maps identify three  
18 residential neighborhood areas that will be subject to the TOC incentive program  
19 (“Neighborhood Areas”). One of those neighborhood areas is the Citrus Neighborhood Area, or  
20 the neighborhood area running along Citrus Avenue, bounded by San Vicente Boulevard, La  
21 Brea Boulevard, Highland Avenue and Edgewood Place.

22       20.       The disseminated City materials reveal more than just the neighborhood areas  
23 subject to upzoning. For example, the Corridor Vision Map reveals that, in implementing the  
24 TNP, the City will consider protection of neighborhoods with a high percentage of rent-stabilized  
25 apartments and consider additional density while ensuring compatibility with the existing pattern  
26 of development, massing and prominent architectural features.

27       21.       The Livability Strategy discloses the City’s intent to retain existing rent-  
28 stabilized units.

1           22.       The Initial Concept Map discloses that the City intends to preserve and protect  
2 rent-stabilized multifamily residential areas with unique character by requiring consistent design  
3 of buildings, but will also allow a mix of larger apartment buildings, fourplexes and duplexes  
4 consistent with existing building forms and prominent architectural features.

5           23.       Finally, the TOC Map shows that the majority of the Citrus Neighborhood  
6 Area is outside of any of the zones representing the various incentive eligibility “tiers” created  
7 by the City.

8           **C. The California Public Records Act**

9           24.       The California Public Records Act is codified in Gov. Code §§ 6250 et seq. In  
10 enacting the Public Records Act, the legislature of California declared that “[m]indful of the  
11 right of individuals to privacy...access to information concerning the conduct of the people’s  
12 business is a fundamental and necessary right of every person in this state.” (Gov. Code § 6250.)

13           25.       Gov. Code § 6252(e) states in relevant part that “‘Public records’ includes any  
14 writing containing information relating to the conduct of the public’s business prepared, owned,  
15 used, or retained by any state or local agency regardless of physical form or characteristics.”

16           26.       Gov. Code § 6252(g) states “‘Writing’ means any handwriting, typewriting,  
17 printing, Photostating, photographing, photocopying, transmitting by electronic mail or  
18 facsimile, and every other means of recording upon any tangible thing any form of  
19 communication or representation, including letters, words, pictures, sounds, or symbols, or  
20 combinations thereof, and any record thereby created, regardless of the manner in which the  
21 record has been stored.”

22           27.       Gov. Code § 6253(c) states in relevant part “Each agency, upon a request for a  
23 copy of records, shall, within 10 days from receipt of the request, determine whether the request,  
24 in whole or in part, seeks copies of disclosable public records in the possession of the agency and  
25 shall promptly notify the person making the request of the determination and the reasons  
therefor...”

27           28.       Gov. Code § 6253(b) states in relevant part “Except with respect to public  
28 records exempt from disclosure by express provisions of law, each state or local agency, upon a

1 request for a copy of records that reasonably describes an identifiable record or records, shall  
2 make the records promptly available to any person..."

3 29. Gov. Code § 6253(a) states that "Any reasonably segregable portion of a  
4 record shall be available for inspection by any person requesting the record after deletion of the  
5 portions that are exempted by law."

6 30. An agency's failure to raise an exemption waives the right to tender policy  
7 arguments logically assigned to them. (*Citizens for a Better Environment v. Department of Food*  
8 & *Agriculture* (1985) 171 Cal. App.3d 704, 715-716.)

9 31. Gov. Code § 6255(a) contains a "catch-all" exemption which requires that  
10 "The agency shall justify withholding any record by demonstrating... that on the facts of the  
11 particular case the public interest served by not disclosing the record clearly outweighs the public  
12 interest served by disclosure of the record."

13 **D. Petitioner's Public Records Act Request**

14 32. Petitioner sent a November 19, 2018 California Public Records Act request  
15 ("CPRA request") to Respondent for all records, reports, emails, notes, meeting records, intra-  
16 agency memoranda and decisions relating to the multi-family residential neighborhood areas  
17 identified in the TNP maps.

18 33. On December 12, 2018, Respondent indicated it may have responsive records  
19 and subsequently produced approximately 2,187 pages of records, which primarily consisted of  
20 public comment and did not include the items requested in Petitioner's November 19, 2018  
21 CPRA request. Respondent's December 12<sup>th</sup> response did not claim any exemptions to  
22 disclosure of the requested records.

23 34. The non-responsive record production led Petitioner to believe that Respondent  
24 may not have understood the scope of the November 19, 2018 CPRA request. Accordingly, on  
25 January 7, 2019, Petitioner, through its attorneys, sent a follow-up CPRA letter clarifying that  
26 Petitioner sought reports, emails, notes, correspondence, meeting records and intra-agency  
27 memoranda regarding the TNP and the City's plan to upzone the neighborhood areas identified  
28 on the TNP maps.

1           35.       On January 17, 2019, Respondent indicated it had records responsive to the  
2 CPRA request. Respondent produced the same approximate 2,187 pages of records that it  
3 produced with its December 12<sup>th</sup> response, but also produced additional documents in various  
4 formats. The new documents did not include Petitioner's requested items.

5           36.       Respondent's January 17<sup>th</sup> letter also **claimed responsive documents were**  
6 **being withheld under Gov. Code § 6255**. The letter indicated that records were being withheld  
7 because they were “[d]rafts and remain exempt under Government Code Section 6255 because  
8 the public interest served by not disclosing the records clearly outweighs the public interest  
9 served by their disclosure.”

10          37.       In an effort to give the benefit of the doubt to Respondent, on March 27, 2019,  
11 Petitioner sent another follow up letter that further clarified the documents that Petitioner was  
12 seeking.

13          38.       On April 2, 2019, Respondent answered, claiming it had already produced all  
14 responsive documents. Respondent, reiterated that it was withholding responsive public records  
15 based on the “**catch all**” exemption contained in Gov. Code § 6255. Respondent indicated  
16 that “[t]hese drafts represent preliminary ideas and thoughts related to the policy initiative and do  
17 not reflect that[sic] final policy direction provided by City management or the City’s decision  
18 makers. Producing such documents would create the real risk of the public being  
19 misinformed as to the components of the policy initiative. Through the release of various  
20 documents and through numerous public workshops, the public has been provided with staff’s  
21 initial recommendations related to this policy initiative and an opportunity to provide input on  
22 them. This process will continue until such time that staff finalizes its recommendations to the  
23 City’s decision makers.” ([Emphasis added].)

24          39.       In a final attempt to facilitate the production of responsive records, on June 4<sup>th</sup>,  
25 2019, Petitioner sent a letter to Respondent specifying that the Petitioner sought records relating  
26 to how, when, why and through whom the neighborhood areas were selected for inclusion on the  
27 TNP maps, including: 1) memoranda relating to specifically how, when, why and/or through  
28 whom the neighborhood areas were selected for inclusion on the TNP Maps; 2) reports relating

1 to specifically how, when, why and/or through whom the neighborhood areas were selected for  
2 inclusion on the TNP Maps; 3) e-mails relating to specifically how, when, why and/or through  
3 whom the neighborhood areas were selected for inclusion on the TNP Maps; 4) notes relating to  
4 specifically how, when, why and/or through whom the neighborhood areas were selected for  
5 inclusion on the TNP Maps; 5) letters relating to specifically how, when, why and/or through  
6 whom the neighborhood areas were selected for inclusion on the TNP Maps; and 6)  
7 correspondence relating to specifically how, when, why and/or through whom the neighborhood  
8 areas were selected for inclusion on the TNP Maps. Petitioner pointed out that, to the extent that  
9 Respondent was withholding any of these records from public disclosure, Respondent's asserted  
10 interest in withholding the records had not been weighed against the competing public interest  
11 favoring disclosure.

12 40. On July 1, 2019, Respondent answered, claiming simply that it had fully  
13 responded to Petitioner's CPRA request, conducted a number of public meetings on the project,  
14 and made information available to the public. Respondent stated that its July 1<sup>st</sup> letter constituted  
15 the final response to Petitioner's CPRA request.

16 41. Petitioner is informed and believes that, to date, Respondent continues to  
17 improperly withhold documents responsive to Petitioner's CPRA request pursuant to the  
18 exemption in Gov. Code § 6255(a). Respondent is withholding the records on the grounds that  
19 disclosure of the "drafts" would "create a real risk of of public misinformation as to components  
20 of the policy initiative", despite having already disseminated draft materials on the policy  
21 initiative to the public.

22 42. Gov. Code § 6258 states "Any person may institute proceedings for injunctive  
23 or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or  
24 her right to inspect or to receive a copy of any public record or class of public records under this  
25 chapter. The times for responsive pleadings and for hearings in these proceedings shall be set by  
26 the judge of the court with the object of securing a decision as to these matters at the earliest  
27 possible time."

28 43. Gov. Code § 6259(a) states "Whenever it is made to appear by verified petition

1 to the superior court of the county where the records or some part thereof are situated that certain  
2 public records are being improperly withheld from a member of the public, the court shall order  
3 the officer or person charged with withholding the records to disclose the public record or show  
4 cause why he or she should not do so. The court shall decide the case after examining the record  
5 in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by  
6 the parties and any oral argument and additional evidence as the court may allow.”

7 44. Gov. Code § 6259(b) states “If the court finds that the public official’s decision  
8 to refuse disclosure is not justified under Section 6254 or 6255, he or she shall order the public  
9 official to make the record public. If the judge determines that the public official was justified in  
10 refusing to make the record public, he or she shall return the item to the public official without  
11 disclosing its content with an order supporting the decision refusing disclosure.”

12 45. Gov. Code § 6259(d) states “The court shall award court costs and reasonable  
13 attorney’s fees to the requester should the requester prevail in litigation filed pursuant to this  
14 section.”

#### FIRST CAUSE OF ACTION

##### **(Failure to Perform a Mandatory Duty Pursuant to the California Public Records Act)**

17 46. Petitioner realleges and incorporates by reference the allegations contained in  
18 the foregoing paragraphs of this Petition into this Cause of Action.

19 47. Respondent is a local and public agency under the California Public Records  
20 Act. (Gov. Code §§ 6252(a) and (d).) As such and as the result of its office, Respondent owes a  
21 mandatory and statutory duty to members of the public to follow the provisions of the California  
22 Public Records Act and to not improperly withhold records. (Gov. Code §§ 6250 et seq.)

23 48. Respondent’s mandatory duty to comply with the California Public Records  
24 Act was triggered when Petitioner sent its California Public Records Act request to Respondent.  
25 Petitioner’s California Public Records Act request sought records relating to how, when, why  
26 and through whom the neighborhood areas were selected for inclusion on the TNP maps that had  
27 been produced to the public.

28

1           49.        Respondent is failing to comply with the provisions of the California Public  
2 Records Act by withholding records responsive to Petitioner's requests based on the "catch-all"  
3 exemption contained in Gov. Code § 6255(a), when its interest in withholding the records does  
4 not clearly outweigh the public interest served by disclosure of the records. (Gov. Code §  
5 6255(a).)

6           50.        Respondent's interest in withholding the records pursuant to Gov. Code §  
7 6255(a) is that the records are "drafts" and "[r]epresent preliminary ideas and thoughts related to  
8 the policy initiative and do not reflect that[sic] final policy direction provided by City  
9 management or the City's decision makers. Producing such documents would create the real  
10 risk of the public being misinformed as to the components of the policy initiative."  
11 However, its undisputed that Respondent has already provided the public with some drafts of the  
12 TNP policy that represent preliminary ideas and thoughts related to the policy initiative, in an  
13 effort to facilitate public input and comply with its environmental review process. Even though  
14 the TNP has not received final approval, Respondent has already distributed multiple  
15 preliminary drafts of TNP maps and other strategic materials to the public. (*Ibid.*) The subject of  
16 Petitioner's requests concerns information relating to the neighbored areas that have been  
17 included on these publicly disseminated maps. Thus, the interest asserted by Respondent does  
18 not justify withholding the records responsive to Petitioner's California Public Records Act  
19 request. The public's interest in favor of disclosure is significant. The records being withheld  
20 relate to the City of Los Angeles' development, review and approval of the Purple Line Transit  
21 Neighborhood Plan: a plan that will subject several neighborhood areas in the Wilshire District  
22 to less stringent zoning and land-use regulations than ordinarily required. The records being  
23 withheld may reveal issues with the TNP planning process that could be addressed through  
24 public comment – something Respondent is actively soliciting. To ensure a robust review  
25 process and for public comment to be meaningful, the public must have all the necessary  
26 information. The public has the right to access this information upon request and use this  
27 information to provide public comment supporting the preservation of zoning laws as part of the  
28 TNP environmental review process.

51. Thus, the significance of the interests in favor of disclosure required Respondent to produce all responsive records and not withhold some of them.

52. Petitioner is a member of the public under the California Public Records Act. (Gov. Code § 6250(b)-(c).) Petitioner has a clear, present and beneficial right to the performance of Respondent's duty under the California Public Records Act because Petitioner requested, in writing, disclosure of the aforementioned records pursuant to the California Public Records Act.

53. Petitioner is prejudiced by Respondent's actions. Petitioner has no plain, speedy, and adequate remedy at law. Petitioner will be denied access to records to which it is otherwise entitled, unless the Court grants the relief requested herein.

### PRAYER FOR RELIEF

Petitioner prays that this Court:

1. Conduct an in-camera review of the records being withheld;
2. Issue a declaration that the records being withheld by Respondent are not exempt under Government Code § 6255;
3. Issue a declaration that Respondent is in violation of the California Public Records Act because it is improperly withholding records responsive to Petitioner's California Public Records Act request under Government Code § 6255;
4. Issue a peremptory Writ of Mandate commanding Respondent to produce to Petitioner, within 10 days, all of the records being withheld;
5. Award attorney's fees against Respondent pursuant to Government Code § 6259;
6. Award litigation expenses and costs of suit against Respondent; and
7. Award such other and further relief as the court may deem just and proper.

DATED: September 19, 2019

VENSKUS & ASSOCIATES, A.P.C.

Jean Sacher

---

Jason Sanders  
Attorneys for Petitioner, La Brea Willoughby  
Coalition

## VERIFICATION

I, the undersigned, declare that I am the president of La Brea Willoughby Coalition, the Petitioner in this action. I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF** and know the contents thereof. The matters stated in the forgoing document are true of my knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

Executed on 19 September 2019, at Los Angeles, California.

I declare under penalty of perjury, under the laws of the State of California, that the forgoing is true and correct.

Lucille Saunders



**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

**This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.**

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Court Filing Location (Column C)**

1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.	7. Location where petitioner resides.
2. Permissive filing in central district.	8. Location wherein defendant/respondent functions wholly.
3. Location where cause of action arose.	9. Location where one or more of the parties reside.
4. Mandatory personal injury filing in North District.	10. Location of Labor Commissioner Office.
5. Location where performance required or defendant resides.	11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).
6. Location of property or permanently garaged vehicle.	

A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A3070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
	<input type="checkbox"/> A6032 Quiet Title	2, 6
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (62)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (59)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

## Judicial Review

## Provisionally Complex Litigation

## Enforcement of Judgment

## Miscellaneous Civil Complaints

## Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment With Damages <input type="checkbox"/> A6123 Workplace Harassment With Damages <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case With Damages <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON:		ADDRESS:	
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input checked="" type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		Los Angeles Department of City Planning 201 N. Figueroa St. Los Angeles, CA 90012	
CITY:	STATE:	ZIP CODE:	
Los Angeles	CA	90012	

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: September 19, 2019

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

Jason Sanders SBN: 257362  
 Venskus & Associates, A.P.C.  
 1055 Wilshire Blvd. Suite 1996  
 Los Angeles, California 90017

TELEPHONE NO.: (213) 482-4200

FAX NO.: (213) 482-4246

ATTORNEY FOR (Name): Petitioner, La Brea Willoughby Coalition

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, 90012

BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:

La Brea Willoughby Coalition v. City of Los Angeles, et al.

## CIVIL CASE COVER SHEET

Unlimited  Limited  
 (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

## Complex Case Designation

Counter  Joinder  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

198TCP04083

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

## Auto Tort

Auto (22)  
 Uninsured motorist (46)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

## Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

## Employment

Wrongful termination (36)  
 Other employment (15)

## Contract

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

## Real Property

Eminent domain/inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

## Unlawful Detainer

Commercial (31)  
 Residential (32)  
 Drugs (38)

## Judicial Review

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

Provisionally Complex Civil Litigation  
 (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

## Enforcement of Judgment

Enforcement of judgment (20)

## Miscellaneous Civil Complaint

RICO (27)  
 Other complaint (not specified above) (42)

## Miscellaneous Civil Petition

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a.  Large number of separately represented parties  
 b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
 c.  Substantial amount of documentary evidence  
 d.  Large number of witnesses  
 e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): One (1)

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 19, 2019

Jason Sanders, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Received for Clerk's File Stamp

COURTHOUSE ADDRESS:

Stanley Mosk Courthouse  
111 North Hill Street, Los Angeles, CA 90012

**FILED**

Superior Court of California  
County of Los Angeles

09/20/2019

Case No. 19STCP04083  
By: Nancy Alvarez, Deputy

**NOTICE OF CASE ASSIGNMENT  
UNLIMITED CIVIL CASE**

Your case is assigned for all purposes to the judicial officer indicated below.

CASE NUMBER:

**19STCP04083**

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

ASSIGNED JUDGE			DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
<input checked="" type="checkbox"/>	Mitchell L. Beckloff		66				

Given to the Plaintiff/Cross-Complainant/Attorney of Record Sherri R. Carter, Executive Officer / Clerk of Court  
on 09/23/2019 (Date) By Nancy Alvarez, Deputy Clerk

## INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

### **APPLICATION**

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

### **COMPLAINTS**

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

### **CROSS-COMPLAINTS**

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

### **STATUS CONFERENCE**

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

**This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.**

### **Class Actions**

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

### **\*Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.



## Superior Court of California, County of Los Angeles

### ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.

CROSS-COMPLAINANTS must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

#### What is ADR?

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration and settlement conferences. When ADR is done by phone or computer, it may be called Online Dispute Resolution (ODR). These "alternatives" to litigation and trial are described below.

#### Advantages of ADR

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees and witness fees.
- **Keeps Control with the parties:** Parties choose their ADR process and provider for voluntary ADR.
- **Reduces stress/protects privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

#### Disadvantages of ADR

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR and litigation and trial.
- **No Public Trial:** ADR does not provide a public trial or a decision by a judge or jury.

#### Main Types of ADR:

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral "mediator" listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

#### **Mediation may be appropriate when the parties**

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

#### **Mediation may not be appropriate when the parties**

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

## How to arrange mediation in Los Angeles County

Mediation for civil cases is voluntary and parties may select any mediator they wish. Options include:

**a. The Civil Mediation Vendor Resource List**

Parties may contact these organizations to request a "Resource List Mediation" for reduced-cost or free (for selected cases) mediation in person or with ODR (by phone or online).

- JAMS, Inc.: Case Manager (213) 253-9776 [mcawson@jamsadr.com](mailto:mcawson@jamsadr.com)
- Mediation Center of Los Angeles: Case Manager: (833) 476-9145 [Info@mediationLA.org](mailto:Info@mediationLA.org)

These organizations cannot accept every case and they may decline cases at their discretion.

Visit [www.lacourt.org/ADR.Res.List](http://www.lacourt.org/ADR.Res.List) for important information and FAQs before contacting them.

NOTE: This service is not available for family law, probate or small claims.

**b. Los Angeles County Dispute Resolution Programs**

<https://wdacs.lacounty.gov/programs/drp/>

- Free, day- of- trial mediations at the courthouse for small claims, unlawful detainers (evictions) and, at the Stanley Mosk Courthouse, limited civil. No appointment needed.
- Free or low-cost mediations before the day of trial for these and other case types.
- For ODR by phone or computer for small claims or unlawful detainer (eviction) cases before the day of trial, visit  
<http://www.lacourt.org/division/smallclaims/pdf/OnlineDisputeResolutionFlyer-EngSpan.pdf>

**c. Mediators and ADR and Bar organizations that provide mediation may be found on the Internet.**

3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <http://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit: [www.lacourt.org/division/civil/settlement](http://www.lacourt.org/division/civil/settlement)

Los Angeles Superior Court ADR website: [www.lacourt.org/division/civil/settlement](http://www.lacourt.org/division/civil/settlement)

For general information and videos about ADR, visit <http://www.zenworks.com/programs/adr.html>

## CASE INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

**Case Number:** 19STCP04083

LA BREA WILLOUGHBY COALITION VS THE CITY OF LOS ANGELES, ET AL.

**Filing Courthouse:** Stanley Mosk Courthouse

**Filing Date:** 09/20/2019

**Case Type:** Other Writ /Judicial Review (General Jurisdiction)

**Status:** Pending

[Click here](#) to access document images for this case

If this link fails, you may go to the [Case Document Images](#) site and search using the case number displayed on this page

## FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

**01/17/2020** at 09:30 AM in Department 86 at 111 North Hill Street, Los Angeles, CA 90012  
Trial Setting Conference

## PARTY INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

LA BREA WILLOUGHBY COALITION A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION - Petitioner

LOS ANGELES DEPARTMENT OF CITY PLANNING AN ADVISORY AGENCY OF THE CITY OF LOS ANGELES  
Respondent

THE CITY OF LOS ANGELES A CHARTER CITY AND MUNICIPAL CORPORATION - Respondent

VENSKUS SABRINA D. - Attorney for Petitioner

## DOCUMENTS FILED

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

### Documents Filed (Filing dates listed in descending order)

09/25/2019 Notice of Trial Setting Conference and Attached Orders Thereon

Filed by Clerk

09/20/2019 Notice of Case Assignment - Unlimited Civil Case

Filed by Clerk

09/20/2019 Civil Case Cover Sheet

Filed by La Brea Willoughby Coalition, a California nonprofit Public Benefit Corporation (Petitioner)



1 **MICHAEL N. FEUER**, City Attorney (SBN 111529)  
2 **TERRY KAUFMANN-MACIAS**, Sr. Asst. City Attorney (SBN 137182)  
3 **JOHN W. FOX**, Deputy City Attorney (SBN 171426)  
4 **LEONARD P. ASLANIAN**, Deputy City Attorney (SBN 278327)  
5 200 North Main Street, 701 City Hall East  
6 Los Angeles, California 90012  
7 Telephone: (213) 978-8228  
8 Facsimile: (213) 978-8090  
9 E-mail: john.fox@lacity.org

10 Attorneys for Respondent  
11 CITY OF LOS ANGELES  
12 **FEE EXEMPT – GOV. CODE § 6103**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF LOS ANGELES**

15 LA BREA WILLOUGHBY COALITION, a  
16 California nonprofit Public Benefit Corporation;

17 Petitioner,

18 v.

19 THE CITY OF LOS ANGELES, a charter city and  
20 municipal corporation; the LOS ANGELES  
21 DEPARTMENT OF CITY PLANNING, an  
22 advisory agency of the City of Los Angeles

23 Respondents.

24 **CASE NO. 19STCP04083**

25 (Case assigned to Hon. Mitchell L. Beckloff,  
26 Dept. 86)

27 **RESPONDENTS CITY OF LOS ANGELES  
28 AND LOS ANGELES DEPARTMENT OF  
CITY PLANNING'S ANSWER TO  
VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY RELIEF**

Complaint Filed: September 20, 2019

Respondents CITY OF LOS ANGELES and LOS ANGELES DEPARTMENT OF CITY PLANNING (collectively, "Respondent" or "City") hereby answers the Verified Petition for Writ of Mandate and Complaint for Declaratory Relief ("Petition") filed by Petitioner LA BREA WILLOUGHBY COALITION ("Petitioner") in the above-captioned proceeding. For consistency and ease of reference, certain headings in the Petition are repeated in this answer but should not be construed as an admission or adoption of any part of the Petition.

## INTRODUCTION

1. Answering Paragraph 1 of the Petition, the City admits that the above-captioned proceeding concerns a claim made under the California Public Records Act (Gov. Code, § 6250 *et seq.*). The City further contends that the remainder of Paragraph 1 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 1.

2. Answering Paragraph 2 of the Petition, the City lacks information and belief sufficient to enable it to admit or deny the allegations relating to the identity, intentions, or activities of Petitioner and on that basis denies each and every allegation in Paragraph 2.

3. Answering Paragraph 3 of the Petition, the City contends that Paragraph 3 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every allegation in Paragraph 3.

4. Answering Paragraph 4 of the Petition, the City contends that Paragraph 4 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every allegation in Paragraph 4.

## PARTIES

5. Answering Paragraph 5 of the Petition, the City lacks information and belief sufficient to enable it to admit or deny the allegations relating to the identity, intentions, or activities of Petitioner and on that basis denies each and every allegation in Paragraph 5.

6. Answering Paragraph 6 of the Petition, the City admits that it is a charter city and a municipal corporation within the State of California.

7. Answering Paragraph 7 of the Petition, the City admits that the Los Angeles Department of City Planning is an agency of the City of Los Angeles. The City further contends that the remainder of Paragraph 7 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 7.

## **JURISDICTION AND VENUE**

8. Answering Paragraph 8 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further contends that Government Code section 6259 speaks for itself and therefore no further response is required. Except as expressly admitted, the City denies each and every remaining allegation in Paragraph 8.

9. Answering Paragraph 9 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further contends that Civil Code sections 85 and 86 speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 9 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 9.

10. Answering Paragraph 10 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further admits that it is a local government agency within the State of California. The City further contends that the remainder of Paragraph 10 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 10.

11. Answering Paragraph 11 of the Petition, the City admits that this Court is the proper venue for the above captioned proceeding. The City further contends that Code of Civil Procedure section 394 and Government Code section 6259 speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 11 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 11.

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12. Answering Paragraph 12 of the Petition, the City contends that Code of Civil Procedure sections 6250 *et seq.*, speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 12 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 12.

## STATEMENT OF FACTS

## A. The Comprehensive Zoning Plan of the City of Los Angeles

13. Answering Paragraph 13 of the Petition, the City contends that Los Angeles Municipal Code sections 12.00 *et seq.*, speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 13 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 13.

14. Answering Paragraph 14 of the Petition, the City contends that Los Angeles Municipal Code sections 12.02 speaks for itself and therefore no further response is required. The City further contends that the remainder of Paragraph 14 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 14.

## B. The Metro Purple Line Heavy Rail Subway Transit Neighborhood Plan

15. Answering Paragraph 15 of the Petition, the City contends that the record of the City's action on the Metro Purple Line is contained in the administrative record for that project and speaks for itself and therefore no further response is required. The City further contends that Measure JJJ speaks for itself and therefore no further response is required. The City further contends that the remainder of Paragraph 15 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 15.

16. Answering Paragraph 15 of the Petition, the City contends that the record of the City's action on the Transit Oriented Communities Affordable Housing Incentive Program is contained in the

1 administrative record for that project and speaks for itself and therefore no further response is required.  
2 The City further contends that Measure JJJ, Los Angeles Municipal Code section 12.22.A.31, and Public  
3 Resources Code section 21155 speak for themselves and therefore no further response is required. The  
4 City further contends that the remainder of Paragraph 16 contains argument, speculation, and  
5 conclusions of law to which no response is required, and to the extent that a further response is required,  
6 the City denies each and every remaining allegation in Paragraph 16.

7       17. Answering Paragraph 17 of the Petition, the City contends that the record of the City's  
8 action on the Purple Line Transit Neighborhood Plan ("PLTNP") is contained in the administrative  
9 record for that project and speaks for itself and therefore no further response is required. The City  
10 further contends that the remainder of Paragraph 17 contains argument, speculation, and conclusions of  
11 law to which no response is required, and to the extent that a further response is required, the City denies  
12 each and every remaining allegation in Paragraph 17.

13       18. Answering Paragraph 18 of the Petition, the City contends that the record of the City's  
14 action on the PLTNP is contained in the administrative record for that project and speaks for itself and  
15 therefore no further response is required. The City further contends that the California Environmental  
16 Quality Act ("CEQA") speaks for itself and therefore no further response is required. The City further  
17 contends that the remainder of Paragraph 18 contains argument, speculation, and conclusions of law to  
18 which no response is required, and to the extent that a further response is required, the City denies each  
19 and every remaining allegation in Paragraph 18.

20       19. Answering Paragraph 19 of the Petition, the City contends that the record of the City's  
21 action on the PLTNP is contained in the administrative record for that project and speaks for itself and  
22 therefore no further response is required. The City further contends that the remainder of Paragraph 19  
23 contains argument, speculation, and conclusions of law to which no response is required, and to the  
24 extent that a further response is required, the City denies each and every remaining allegation in  
25 Paragraph 19.

26       20. Answering Paragraph 20 of the Petition, the City contends that the record of the City's  
27 action on the PLTNP is contained in the administrative record for that project and speaks for itself and  
28 therefore no further response is required. The City further contends that the remainder of Paragraph 20

contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 20.

21. Answering Paragraph 21 of the Petition, the City contends that the record of the City's action on the PLTNP is contained in the administrative record for that project and speaks for itself and therefore no further response is required. The City further contends that the remainder of Paragraph 21 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 21.

22. Answering Paragraph 22 of the Petition, the City contends that the record of the City's action on the PLTNP is contained in the administrative record for that project and speaks for itself and therefore no further response is required. The City further contends that the remainder of Paragraph 22 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 22.

23. Answering Paragraph 23 of the Petition, the City contends that the record of the City's action on the PLTNP is contained in the administrative record for that project and speaks for itself and therefore no further response is required. The City further contends that the remainder of Paragraph 23 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 23.

### C. The California Public Records Act

24. Answering Paragraph 24 of the Petition, the City contends that Government Code sections 6250 *et seq.*, speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 24 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 24.

1        25. Answering Paragraph 25 of the Petition, the City contends that Government Code section  
2 6252 speaks for itself and therefore no further response is required. The City further contends that the  
3 remainder of Paragraph 25 contains argument, speculation, and conclusions of law to which no response  
4 is required, and to the extent that a further response is required, the City denies each and every  
5 remaining allegation in Paragraph 25.

6        26. Answering Paragraph 26 of the Petition, the City contends that Government Code section  
7 6252 speaks for itself and therefore no further response is required. The City further contends that the  
8 remainder of Paragraph 26 contains argument, speculation, and conclusions of law to which no response  
9 is required, and to the extent that a further response is required, the City denies each and every  
10 remaining allegation in Paragraph 26.

11        27. Answering Paragraph 27 of the Petition, the City contends that Government Code section  
12 6253 speaks for itself and therefore no further response is required. The City further contends that the  
13 remainder of Paragraph 27 contains argument, speculation, and conclusions of law to which no response  
14 is required, and to the extent that a further response is required, the City denies each and every  
15 remaining allegation in Paragraph 27.

16        28. Answering Paragraph 28 of the Petition, the City contends that Government Code section  
17 6253 speaks for itself and therefore no further response is required. The City further contends that the  
18 remainder of Paragraph 28 contains argument, speculation, and conclusions of law to which no response  
19 is required, and to the extent that a further response is required, the City denies each and every  
20 remaining allegation in Paragraph 28.

21        29. Answering Paragraph 29 of the Petition, the City contends that Government Code section  
22 6253 speaks for itself and therefore no further response is required. The City further contends that the  
23 remainder of Paragraph 29 contains argument, speculation, and conclusions of law to which no response  
24 is required, and to the extent that a further response is required, the City denies each and every  
25 remaining allegation in Paragraph 29.

26        30. Answering Paragraph 30 of the Petition, the City contends that Paragraph 30 contains  
27 argument, speculation, and conclusions of law to which no response is required, and to the extent that a  
28 further response is required, the City denies each and every allegation in Paragraph 30.

1       31. Answering Paragraph 31 of the Petition, the City contends that Government Code section  
2 6255 speaks for itself and therefore no further response is required. The City further contends that the  
3 remainder of Paragraph 31 contains argument, speculation, and conclusions of law to which no response  
4 is required, and to the extent that a further response is required, the City denies each and every  
5 remaining allegation in Paragraph 31.

6       **D. Petitioner's Public Records Act Request**

7       32. Answering Paragraph 32 of the Petition, the City contends that Petitioner's Public  
8 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
9 requests, speak for themselves and therefore no further response is required. The City further contends  
10 that the remainder of Paragraph 32 contains argument, speculation, and conclusions of law to which no  
11 response is required, and to the extent that a further response is required, the City denies each and every  
12 remaining allegation in Paragraph 32.

13       33. Answering Paragraph 33 of the Petition, the City contends that Petitioner's Public  
14 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
15 requests, speak for themselves and therefore no further response is required. The City further contends  
16 that the remainder of Paragraph 33 contains argument, speculation, and conclusions of law to which no  
17 response is required, and to the extent that a further response is required, the City denies each and every  
18 remaining allegation in Paragraph 33.

19       34. Answering Paragraph 33 of the Petition, the City contends that Petitioner's Public  
20 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
21 requests, speak for themselves and therefore no further response is required. The City further contends  
22 that the remainder of Paragraph 34 contains argument, speculation, and conclusions of law to which no  
23 response is required, and to the extent that a further response is required, the City denies each and every  
24 remaining allegation in Paragraph 34.

25       35. Answering Paragraph 35 of the Petition, the City contends that Petitioner's Public  
26 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
27 requests, speak for themselves and therefore no further response is required. The City further contends  
28 that the remainder of Paragraph 35 contains argument, speculation, and conclusions of law to which no

1 response is required, and to the extent that a further response is required, the City denies each and every  
2 remaining allegation in Paragraph 35.

3 36. Answering Paragraph 36 of the Petition, the City contends that Petitioner's Public  
4 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
5 requests, speak for themselves and therefore no further response is required. The City further contends  
6 that the remainder of Paragraph 36 contains argument, speculation, and conclusions of law to which no  
7 response is required, and to the extent that a further response is required, the City denies each and every  
8 remaining allegation in Paragraph 36.

9 37. Answering Paragraph 37 of the Petition, the City contends that Petitioner's Public  
10 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
11 requests, speak for themselves and therefore no further response is required. The City further contends  
12 that the remainder of Paragraph 37 contains argument, speculation, and conclusions of law to which no  
13 response is required, and to the extent that a further response is required, the City denies each and every  
14 remaining allegation in Paragraph 37.

15 38. Answering Paragraph 38 of the Petition, the City contends that Petitioner's Public  
16 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
17 requests, speak for themselves and therefore no further response is required. The City further contends  
18 that the remainder of Paragraph 38 contains argument, speculation, and conclusions of law to which no  
19 response is required, and to the extent that a further response is required, the City denies each and every  
20 remaining allegation in Paragraph 38.

21 39. Answering Paragraph 39 of the Petition, the City contends that Petitioner's Public  
22 Records Act requests at issue in the above-caption proceedings, and the City's responses to those  
23 requests, speak for themselves and therefore no further response is required. The City further contends  
24 that the remainder of Paragraph 39 contains argument, speculation, and conclusions of law to which no  
25 response is required, and to the extent that a further response is required, the City denies each and every  
26 remaining allegation in Paragraph 39.

27 40. Answering Paragraph 40 of the Petition, the City contends that Petitioner's Public  
28 Records Act requests at issue in the above-caption proceedings, and the City's responses to those

1 requests, speak for themselves and therefore no further response is required. The City further contends  
2 that the remainder of Paragraph 40 contains argument, speculation, and conclusions of law to which no  
3 response is required, and to the extent that a further response is required, the City denies each and every  
4 remaining allegation in Paragraph 40.

5       41. Answering Paragraph 41 of the Petition, the City contends that Government Code section  
6 6255 speaks for itself and therefore no further response is required. The City further contends that the  
7 remainder of Paragraph 41 contains argument, speculation, and conclusions of law to which no response  
8 is required, and to the extent that a further response is required, the City denies each and every  
9 remaining allegation in Paragraph 41.

10       42. Answering Paragraph 42 of the Petition, the City contends that Government Code section  
11 6258 speaks for itself and therefore no further response is required. The City further contends that the  
12 remainder of Paragraph 42 contains argument, speculation, and conclusions of law to which no response  
13 is required, and to the extent that a further response is required, the City denies each and every  
14 remaining allegation in Paragraph 42.

15       43. Answering Paragraph 43 of the Petition, the City contends that Government Code section  
16 6259 speaks for itself and therefore no further response is required. The City further contends that the  
17 remainder of Paragraph 43 contains argument, speculation, and conclusions of law to which no response  
18 is required, and to the extent that a further response is required, the City denies each and every  
19 remaining allegation in Paragraph 43.

20       44. Answering Paragraph 44 of the Petition, the City contends that Government Code section  
21 6259 speaks for itself and therefore no further response is required. The City further contends that the  
22 remainder of Paragraph 44 contains argument, speculation, and conclusions of law to which no response  
23 is required, and to the extent that a further response is required, the City denies each and every  
24 remaining allegation in Paragraph 44.

25       45. Answering Paragraph 45 of the Petition, the City contends that Government Code section  
26 6259 speaks for itself and therefore no further response is required. The City further contends that the  
27 remainder of Paragraph 45 contains argument, speculation, and conclusions of law to which no response  
28

1 is required, and to the extent that a further response is required, the City denies each and every  
2 remaining allegation in Paragraph 45.

3 **FIRST CAUSE OF ACTION**

4 **(Failure to Perform a Mandatory Duty Pursuant to the California Public Records Act)**

5 46. Answering Paragraph 46 of the Petition, the City incorporates by reference its responses  
6 to each and every paragraph of the Petition set forth above.

7 47. Answering Paragraph 47 of the Petition, the City contends that the California Public  
8 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response  
9 is required. The City further contends that the remainder of Paragraph 47 contains argument,  
10 speculation, and conclusions of law to which no response is required, and to the extent that a further  
11 response is required, the City denies each and every remaining allegation in Paragraph 47.

12 48. Answering Paragraph 48 of the Petition, the City contends that the California Public  
13 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response  
14 is required. The City further contends that the remainder of Paragraph 48 contains argument,  
15 speculation, and conclusions of law to which no response is required, and to the extent that a further  
16 response is required, the City denies each and every remaining allegation in Paragraph 48.

17 49. Answering Paragraph 49 of the Petition, the City contends that the California Public  
18 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response  
19 is required. The City further contends that the remainder of Paragraph 49 contains argument,  
20 speculation, and conclusions of law to which no response is required, and to the extent that a further  
21 response is required, the City denies each and every remaining allegation in Paragraph 49.

22 50. Answering Paragraph 50 of the Petition, the City contends that the California Public  
23 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response  
24 is required. The City further contends that the record of the City's action on the PLTNP is contained in  
25 the administrative record for that project and speaks for itself and therefore no further response is  
26 required. The City further contends that the remainder of Paragraph 50 contains argument, speculation,  
27 and conclusions of law to which no response is required, and to the extent that a further response is  
28 required, the City denies each and every remaining allegation in Paragraph 50.

1       51. Answering Paragraph 50 of the Petition, the City contends that Paragraph 51 contains  
2 argument, speculation, and conclusions of law to which no response is required, and to the extent that a  
3 further response is required, the City denies each and every remaining allegation in Paragraph 51.

4       52. Answering Paragraph 52 of the Petition, the City contends that the California Public  
5 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further ~~response~~  
6 is required. The City further contends that the remainder of Paragraph 52 contains argument,  
7 speculation, and conclusions of law to which no response is required, and to the extent that a further  
8 response is required, the City denies each and every remaining allegation in Paragraph 52.

9       53. Answering Paragraph 53 of the Petition, the City contends that Paragraph 53 contains  
10 argument, speculation, and conclusions of law to which no response is required, and to the extent that a  
11 further response is required, the City denies each and every remaining allegation in Paragraph 53.

12       **CITY'S RESPONSE TO PETITIONER'S PRAYER FOR RELIEF**

13       1. Answering Paragraph 1 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
14 entitled to any of the relief it requests, or to any relief whatsoever.

15       2. Answering Paragraph 2 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
16 entitled to any of the relief it requests, or to any relief whatsoever.

17       3. Answering Paragraph 3 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
18 entitled to any of the relief it requests, or to any relief whatsoever.

19       4. Answering Paragraph 4 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
20 entitled to any of the relief it requests, or to any relief whatsoever.

21       5. Answering Paragraph 5 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
22 entitled to any of the relief it requests, or to any relief whatsoever.

23       6. Answering Paragraph 6 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
24 entitled to any of the relief it requests, or to any relief whatsoever.

25       7. Answering Paragraph 7 of Petitioner's Prayer for Relief, the City denies that Petitioner is  
26 entitled to any of the relief it requests, or to any relief whatsoever.

## AFFIRMATIVE DEFENSES

Without admitting it carries the burden of proof as to any of Petitioner's causes of action, the City alleges the following separate and independent affirmative defenses. The City reserves the right to assert additional affirmative defenses, cross-claims, or third party claims whenever the basis for such allegations is discovered.

## **FIRST AFFIRMATIVE DEFENSE**

### **(Failure to State a Claim)**

As a first, separate affirmative defense, the Petition and each and every cause of action alleged therein fail to allege facts sufficient to constitute a cause of action.

## SECOND AFFIRMATIVE DEFENSE

**(No Available Relief)**

As a second, separate affirmative defense, the Petition and each and every cause of action alleged therein fail to allege facts sufficient to state a claim for which the Court may grant relief.

### THIRD AFFIRMATIVE DEFENSE

### (Lack of Standing)

As a third, separate affirmative defense, Petitioner lacks standing and capacity to bring or maintain this action.

#### **FOURTH AFFIRMATIVE DEFENSE**

### **(Failure to Exhaust Administrative Remedies)**

As a fourth, separate affirmative defense, the Petition and each and every cause of action alleged therein are barred because Petitioner failed to exhaust its administrative remedies as required to maintain the causes of action.

## FIFTH AFFIRMATIVE DEFENSE

### **(Laches)**

As a sixth, separate affirmative defense, the Petition and each and every cause of action alleged therein are barred by the doctrine of laches.

## SIXTH AFFIRMATIVE DEFENSE

### (Unclean Hands)

As a first, separate affirmative defense, the Petition and each and every cause of action alleged therein are barred by the doctrine of unclean hands.

## SEVENTH AFFIRMATIVE DEFENSE

### **(Estoppel)**

As a seventh, separate affirmative defense, Petitioner is estopped to assert the claims and matters set forth in the Petition and each and every cause of action alleged therein.

## EIGHTH AFFIRMATIVE DEFENSE

**(Waiver)**

As a eighth, separate affirmative defense, Petitioner waived the claims and matters set forth in the Petition and each and every cause of action alleged therein.

## NINTH AFFIRMATIVE DEFENSE

**(Acts in Accordance with Law and Substantial Evidence)**

As a ninth, separate affirmative defense, with respect to all matters and causes of action alleged in the Petition, the City (i) proceeded in the manner required by law; (ii) did not act arbitrarily, capriciously, or wholly without evidentiary support; (iii) did not abuse its discretion; and (iv) made all required findings, which supported the City's actions and were themselves supported by substantial evidence.

#### TENTH AFFIRMATIVE DEFENSE

### **(No Public Benefit)**

As a tenth, separate affirmative defense, the relief sought by Petitioner is not in the public interest and would not confer a public benefit.

## **ELEVENTH AFFIRMATIVE DEFENSE**

### **(Improper Control of a Public Agency)**

As an eleventh, separate affirmative defense, the relief that Petitioner seeks, if granted, would improperly interfere with the City's lawful exercise of its discretion as a public agency and would compel the City to act in a manner that it deems contrary to public policy.

## **TWELFTH AFFIRMATIVE DEFENSE**

**(No Right to Relief)**

As a twelfth, separate affirmative defense, Petitioner has no clear, present, and beneficial right to the relief it seeks.

## THIRTEENTH AFFIRMATIVE DEFENSE

### (No Prejudice)

As a thirteenth, separate affirmative defense, Petitioner is not entitled to any relief, insofar as the City complied with all applicable laws, and to the extent any error was made, such error was not prejudicial.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

### (Ripeness)

As a fourteenth, separate affirmative defense, Petitioner's claims are not ripe for adjudication.

## FIFTEENTH AFFIRMATIVE DEFENSE

### **(Statute of Limitations)**

As a fifteenth, separate affirmative defense, the Petition and each and every cause of action alleged therein are barred by the applicable statute of limitations.

## SIXTEENTH AFFIRMATIVE DEFENSE

### (Contrary to Public Policy)

As a sixteenth, separate affirmative defense, the Petition and each and every cause of action alleged therein are barred because the relief Petitioner seeks, if granted, would compel the City to act in a manner contrary to public policy.

## PRAYER

WHEREFORE, the City prays for the following relief:

1. Deny Petitioner's request for relief in all respects and hold that Petitioner takes nothing by this action;

2. Enter judgment in favor of the City and dismiss the Petition and each and every cause of action therein;

3. Award the City costs of suit:

4. Grant the City such other relief as the Court deems just and proper.

DATED: November 1, 2019

**OFFICE OF THE LOS ANGELES CITY  
ATTORNEY**

By: */s/ LEONARD P. ASLANIAN*

MICHAEL N. FEUER, City Attorney

TERRY P. KAUFMANN MACIAS,

Sr. Asst. City Attorney

JOHN W. FOX, Deputy City Attorney

LEONARD P. ASLANIAN, Deputy City Attorney

Attorneys for Respondent

CITY OF LOS ANGELES

## PROOF OF SERVICE

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, 701 City Hall East, Los Angeles, California 90012.

On November, I served the foregoing documents described as: **RESPONDENTS CITY OF LOS ANGELES AND LOS ANGELES DEPARTMENT OF CITY PLANNING'S ANSWER TO VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF** on all interested parties in this action as follows:

Sabrina D. Venskus, Esq.

Jason R. Sanders, Esq.

## VENSKUS & ASSOCIATES, A.P.C.

1055 Wilshire Blvd., Suite 1996

Los Angeles, CA 90017

Email: [venskus@lawsy.com](mailto:venskus@lawsy.com)

isanders@lawsys.com

[www.bananasbylaw.com](http://www.bananasbylaw.com)

[www.BangorStayaways.com](http://www.BangorStayaways.com)

**BY MAIL** - I deposited such envelope(s) for collection, processing and mailing by my office. I am readily familiar with the business practice of my office for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit; and/or

**BY OVERNIGHT COURIER** - I deposited such envelope in a regularly maintained overnight courier parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was guaranteed by the next business day.

**BY PERSONAL SERVICE** - ( ) I delivered by hand, or ( ) I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date specified above.

**BY ELECTRONIC MAIL** – I transmitted via EMAIL the document(s) listed above to the parties set forth above on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 1, 2019, at Los Angeles, California.

/s/ Anna M. Garcia

ANNA M. GARCIA



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County of Los Angeles

MAY 03 2019

Shawn R. Carter, Executive Officer/Clerk  
By: *Debbie Price*, Deputy  
Rita Linda Mina

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

IN RE LOS ANGELES SUPERIOR COURT ) FIRST AMENDED GENERAL ORDER  
— MANDATORY ELECTRONIC FILING )  
FOR CIVIL )  
)  
)

On December 3, 2018, the Los Angeles County Superior Court mandated electronic filing of all documents in Limited Civil cases by litigants represented by attorneys. On January 2, 2019, the Los Angeles County Superior Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. (California Rules of Court, rule 2.253(b).) All electronically filed documents in Limited and Non-Complex Unlimited cases are subject to the following:

1) DEFINITIONS

- a) “Bookmark” A bookmark is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.
- b) “Filing Portal” The official court website includes a webpage, referred to as the eFiling portal, that gives litigants access to the approved Electronic Filing Service Providers.
- c) “Electronic Envelope” A transaction through the electronic service provider for submission of documents to the Court for processing which may contain one or more PDF documents attached.
- d) “Electronic Filing” Electronic Filing (eFiling) is the electronic transmission to a Court of a document in electronic form. (California Rules of Court, rule 2.250(b)(7).)

1 e) "Electronic Filing Service Provider" An Electronic Filing Service Provider (EFSP) is a  
2 person or entity that receives an electronic filing from a party for retransmission to the Court.  
3 In the submission of filings, the EFSP does so on behalf of the electronic filer and not as an  
4 agent of the Court. (California Rules of Court, rule 2.250(b)(8).)

5 f) "Electronic Signature" For purposes of these local rules and in conformity with Code of  
6 Civil Procedure section 17, subdivision (b)(3), section 34, and section 1010.6, subdivision  
7 (b)(2), Government Code section 68150, subdivision (g), and California Rules of Court, rule  
8 2.257, the term "Electronic Signature" is generally defined as an electronic sound, symbol, or  
9 process attached to or logically associated with an electronic record and executed or adopted  
10 by a person with the intent to sign the electronic record.

11 g) "Hyperlink" An electronic link providing direct access from one distinctively marked place  
12 in a hypertext or hypermedia document to another in the same or different document.

13 h) "Portable Document Format" A digital document format that preserves all fonts,  
14 formatting, colors and graphics of the original source document, regardless of the application  
15 platform used.

16 2) MANDATORY ELECTRONIC FILING

17 a) Trial Court Records

18 Pursuant to Government Code section 68150, trial court records may be created, maintained,  
19 and preserved in electronic format. Any document that the Court receives electronically must  
20 be clerically processed and must satisfy all legal filing requirements in order to be filed as an  
21 official court record (California Rules of Court, rules 2.100, et seq. and 2.253(b)(6)).

22 b) Represented Litigants

23 Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to  
24 electronically file documents with the Court through an approved EFSP.

25 c) Public Notice

26 The Court has issued a Public Notice with effective dates the Court required parties to  
27 electronically file documents through one or more approved EFSPs. Public Notices containing  
28 effective dates and the list of EFSPs are available on the Court's website, at [www.lacourt.org](http://www.lacourt.org).

1           d) Documents in Related Cases

2           Documents in related cases must be electronically filed in the eFiling portal for that case type if  
3           electronic filing has been implemented in that case type, regardless of whether the case has  
4           been related to a Civil case.

5           3) EXEMPT LITIGANTS

6           a) Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt  
7           from mandatory electronic filing requirements.

8           b) Pursuant to Code of Civil Procedure section 1010.6, subdivision (d)(3) and California Rules of  
9           Court, rule 2.253(b)(4), any party may make application to the Court requesting to be excused  
10           from filing documents electronically and be permitted to file documents by conventional  
11           means if the party shows undue hardship or significant prejudice.

12           4) EXEMPT FILINGS

13           a) The following documents shall not be filed electronically:

14           i) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of  
15           Civil Procedure sections 170.6 or 170.3;

16           ii) Bonds/Undertaking documents;

17           iii) Trial and Evidentiary Hearing Exhibits

18           iv) Any ex parte application that is filed concurrently with a new complaint including those  
19           that will be handled by a Writs and Receivers department in the Mosk courthouse; and

20           v) Documents submitted conditionally under seal. The actual motion or application shall be  
21           electronically filed. A courtesy copy of the electronically filed motion or application to  
22           submit documents conditionally under seal must be provided with the documents  
23           submitted conditionally under seal.

24           b) Lodgments

25           Documents attached to a Notice of Lodgment shall be lodged and/or served conventionally in  
26           paper form. The actual document entitled, "Notice of Lodgment," shall be filed electronically.

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1   **5) ELECTRONIC FILING SYSTEM WORKING PROCEDURES**

2    Electronic filing service providers must obtain and manage registration information for persons  
3    and entities electronically filing with the court.

4   **6) TECHNICAL REQUIREMENTS**

5    a) Electronic documents must be electronically filed in PDF, text searchable format when  
6       technologically feasible without impairment of the document's image.

7    b) The table of contents for any filing must be bookmarked.

8    c) Electronic documents, including but not limited to, declarations, proofs of service, and  
9       exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule  
10      3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked  
11      item (e.g. exhibits, declarations, deposition excerpts) and with bookmark titles that identify the  
12      bookmarked item and briefly describe the item.

13    d) Attachments to primary documents must be bookmarked. Examples include, but are not  
14      limited to, the following:

15      i) Depositions;  
16      ii) Declarations;  
17      iii) Exhibits (including exhibits to declarations);  
18      iv) Transcripts (including excerpts within transcripts);  
19      v) Points and Authorities;  
20      vi) Citations; and  
21      vii) Supporting Briefs.

22    e) Use of hyperlinks within documents (including attachments and exhibits) is strongly  
23      encouraged.

24    f) Accompanying Documents

25      Each document accompanying a single pleading must be electronically filed as a separate  
26      digital PDF document.

27    g) Multiple Documents

28      Multiple documents relating to one case can be uploaded in one envelope transaction.

**b) Writs and Abstracts**

Writs and Abstracts must be submitted as a separate electronic envelope.

i) Sealed Documents

If and when a judicial officer orders documents to be filed under seal, those documents must be filed electronically (unless exempted under paragraph 4); the burden of accurately designating the documents as sealed at the time of electronic submission is the submitting party's responsibility.

j) Redaction

Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information (such as using initials for names of minors, using the last four digits of a social security number, and using the year for date of birth) so that the information shall not be publicly displayed.

7) ELECTRONIC FILING SCHEDULE

a) Filed Date

i) Any document received electronically by the court between 12:00 am and 11:59:59 pm shall be deemed to have been effectively filed on that court day if accepted for filing. Any document received electronically on a non-court day, is deemed to have been effectively filed on the next court day if accepted. (California Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).)

ii) Notwithstanding any other provision of this order, if a digital document is not filed in due course because of: (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; or (3) a processing failure that occurs after receipt, the Court may order, either on its own motion or by noticed motion submitted with a declaration for Court consideration, that the document be deemed filed and/or that the document's filing date conform to the attempted transmission date.

### 6) EX PARTE APPLICATIONS

a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing.

1       b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the  
2       day of the ex parte hearing. A printed courtesy copy of any opposition to an ex parte  
3       application must be provided to the court the day of the ex parte hearing.

4       **9) PRINTED COURTESY COPIES**

5       a) For any filing electronically filed two or fewer days before the hearing, a courtesy copy must  
6       be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If  
7       the efilng is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom  
8       by 10:00 a.m. the next business day.

9       b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of  
10       electronic submission) is required for the following documents:

- 11       i) Any printed document required pursuant to a Standing or General Order;
- 12       ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26  
13        pages or more;
- 14       iii) Pleadings and motions that include points and authorities;
- 15       iv) Demurrers;
- 16       v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.16;
- 17       vi) Motions for Summary Judgment/Adjudication; and
- 18       vii) Motions to Compel Further Discovery.

19       c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of  
20       additional documents. Courtroom specific courtesy copy guidelines can be found at  
21       [www.iacourt.org](http://www.iacourt.org) on the Civil webpage under "Courtroom Information."

22       **10) WAIVER OF FEES AND COSTS FOR ELECTRONICALLY FILED DOCUMENTS**

23       a) Fees and costs associated with electronic filing must be waived for any litigant who has  
24        received a fee waiver. (California Rules of Court, rules 2.253(b)(), 2.258(b), Code Civ. Proc. §  
25        1010.6(d)(2).)

26       b) Fee waiver applications for waiver of court fees and costs pursuant to Code of Civil Procedure  
27        section 1010.6, subdivision (b)(6), and California Rules of Court, rule 2.252(f), may be  
28        electronically filed in any authorized action or proceeding.

## 1      1) SIGNATURES ON ELECTRONIC FILING

2      For purposes of this General Order, all electronic filings must be in compliance with California  
3      Rules of Court, rule 2.257. This General Order applies to documents filed within the Civil  
4      Division of the Los Angeles County Superior Court.

5  
6      This First Amended General Order supersedes any previous order related to electronic filing,  
7      and is effective immediately, and is to remain in effect until otherwise ordered by the Civil  
8      Supervising Judge and/or Presiding Judge.

9  
10     DATED: May 3, 2019



11       
12     KEVIN C. BRAZILE  
13     Presiding Judge

